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09/080,461	05/19/1998	HAJIME ASAMA	P619-93US0	9429
7590 02/25/2004 JACOBSON PRICE HOLMAN & STERN 400 SEVENTH STREET N W WASHINGTON, DC 20004			EXAMINER NGUYEN, LE V	
			ART UNIT 2174	PAPER NUMBER 34
DATE MAILED: 02/25/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/080,461

Applicant(s)

ASAMA ET AL.

Examiner

LVN

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 25-28 and 31-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-28 and 31-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

1. This communication is responsive to Amendment G, filed 12/1/03.
2. Claims 25-28 and 31-36 are pending in this application. Claims 25-28 are independent claims; claims 29-30 have been cancelled; claims 25-28 have been amended; and, claims 31-36 have been added. This action is made Final.
3. The indicated allowability of claims 25-28 is withdrawn upon removal of allowable subject matter, “*ID card* serving as a password”, in Amendment G.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Objections***

5. Claim 25 is objected to because of the following informalities: “at least one of a dedicated operating system” of page 2 of the amendment appears to contain a grammatical error. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claims 25-28, 31 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language “user-

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environment information about environment suitable for a user". These claims are an omnibus type claim.

***Claim Rejections - 35 USC § 103***

8. Claims 25-28 and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson (US 6,308,317) in view of Windows NT 4 Workstation ("Win NT"), in view of Hashimoto (US 5,179,439), and further in view of Bertram (US 5,948,064).

As per claim 25, Wilkinson teaches the use of a computer equipped with Microsoft Window technology wherein Windows NT is the operating system (col. 7, lines 53-56) and a method for storing on a storage medium a dedicated keyboard layout and a dedicated language (pp. 134-135; *the capability provided for the user to determine options for the start menu is a method for developing a key layout and, thus, making Windows NT a user adaptive variable system as well as a dedicated operating system on a computer readable medium*). Wilkinson further teaches a user-recognizing unit (col. 7, lines 50-55) as well as memory containment and processing of a smart card/portable storage medium (col. 7, lines 55-65). The user recognizing unit reads the user environment stored in the smart card storage medium and appropriately changes the operating environment of the computer. All data downloaded from an external storage media changes the environment of the computer to some degree. Furthermore, the use of a smart card suggests an information medium that is automatically and directly readable by the user-recognizing unit upon insertion and is standard in the art of smart card reading. Wilkinson also teaches storing JAVA data on a smart card medium (col. 9, lines 19-25) wherein the JAVA data assists in establishing users' work environment and users' environment information.

However, Wilkinson does not explicitly disclose windows as a user-adaptive variable environment system. Win NT teaches a dedicated operating system on a computer readable medium wherein the operating system is a user adaptive variable system (pp. 134-135, *i.e. method for customizing windows to individual needs*). Therefore, it would have been obvious to an artisan at the time of the invention to include Win NT's adaptive variable system to Wilkinson's user recognizing unit in order to provide users with the ability to customize the configuration of resources available.

The teaching of Wilkinson and Win NT still fails to disclose storing *all* the user-environment information suitable for the user on a portable medium. Hashimoto teaches a method for storing a user's entire environment on a portable medium (col. 4, lines 18-33). Therefore, it would have been obvious to an artisan at the time of the invention to include Hashimoto's teaching of storing a user's entire environment on a portable medium with Wilkinson and Win NT's user recognizing unit in order to provide a user with an implementation preference.

Although Applicant teaches a user-environment information stored in the information medium and the software taught by Wilkinson, Win NT and Hashimoto requires a readable medium (Abstract), the teaching of Wilkinson and Win NT does not explicitly disclose software that requires a machine referring to a computer, user information referring to user identification information identifying the user, and user setting information referring to user-environment information. Bertram teaches software that requires a machine/computer, user information/user identification information identifying the user and user setting information/user-environment information (col. 10, lines 53-65). Bertram further makes reference to a Windows NT system, a

dedicated operating system, with keyboard (col. 4, lines 34-57) wherein the operating system inherently uses various codes written in a computer language during set-up in order for the computer to recognize and execute the instructions communicated. Therefore, it would have been obvious to an artisan at the time of the invention to combine Bertram's teaching of Windows NT with the user-adaptive variable-environment system taught by Wilkinson, Win NT and Hashimoto in order to provide users with greater customization capabilities.

As per claim 31, the modified Wilkinson, Win NT, Hashimoto and Bertram teaches a user-adaptive variable-environment system wherein the information storage medium stores user-environment information about environment suitable for a user, the user environment information includes a type of an OS, usable application software and a language in which information is to be displayed, and includes a dedicated operating system, dedicated application software and a dedicated display language (Win NT: pp. 134-135; Wilkinson: Abstract; Bertram: col. 10, lines 53-65 and col. 4, lines 34-57).

Claims 26-28 are individually similar in scope to claim 25 and are therefore rejected under similar rationale.

Claims 32-24 are individually similar in scope to claim 31 and are therefore rejected under similar rationale.

***Allowable Subject Matter***

9. Claims 35 and 36 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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10. The following is the Examiner's statement of reasons for allowance:

The prior art made of record fails to anticipate or make obvious the claimed invention.

Specifically, the prior art fails to teach, in combination with the remaining elements:

an ID card as an information storage medium for storing all of a user's OS and environment and serving as a password.

Although Hashimoto teaches a substantial amount of the claimed matters, Hashimoto fails to teach the ID card containing a medium for storing all of a user's OS and environment. Other prior art made of record such as Wilkinson, Win NT and Bertram are also silent on this claim limitation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

11. Applicant's arguments filed 12/1/03 have been fully considered but they are not persuasive.

Applicant argued the following:

a) The insertion of the phrase "at least one of" in claims 25 and 26 should not affect patentability.

b) The claim language of claims 27 and 28, *i.e.*, "an ID card serving as a password", prior to Amendment G is not believed to have been the basis for patentability at all.

The Examiner disagrees for the following reasons:

Per (a), the claim language “at least one of” connotes a choice among many and, therefore, broadens the scope of the claim. Furthermore, there appears to be a grammatical error with “user environment information includes...a key layout, and includes *at least one of a dedicated operating system*”, which causes the claim language to be vague and indefinite.

Per (b), in light of Applicant’s insertion of new dependent claims 35 and 36 with the claim language “an ID card serving as a password” of Amendment G, it is unclear to the Examiner what Applicant feels to be unpatentable about the claim language “an ID card serving as a password” in independent claims 27 and 28 of Amendment F. To include the same claim language that Applicant professes to be unpatentable seems contradictory. Moreover, Applicant asserts that the current “claims 35 and 36 are identical to claims 27 and 28 prior to amendment”.

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

*Inquires*

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lê whose telephone number is (703) 305-7601. The examiner can normally be reached on Monday - Friday from 5:30 am to 2:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN  
Patent Examiner  
February 20, 2004

*Kristine Kincaid*  
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